EXHIBIT I

UNITED STATES
INTERNATIONAL TRADE COMMISSION

In the Matter of:	)	Investigation No.
Certain Modified Vaccinia Ankara	)	337-TA-550
("MVA") Viruses and Vaccines and	)	
Pharmaceutical Compositions Based	)	
Thereon	)	
	)	

CLOSED SESSION

Pages: 203 through 446 (with excerpts)

Place: Washington, D.C.

Date: May 9, 2006

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BEFORE THE

UNITED STATES INTERNATIONAL TRADE COMMISSION

In the Matter of:	)	Investigation No.
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("MVA") Viruses and Vaccines and	)	
Pharmaceutical Compositions Based	)	
Thereon		

Hearing Room A

United States

International Trade Commission

500 E Street, Southwest

Washington, D.C.

Tuesday, May 9, 2006

9:01 a.m.

VOLUME 2

BEFORE: THE HONORABLE ROBERT L. BARTON, JR.

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500 E Street, S.W., Room 317F

Washington, D.C. 20436

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referenced in Gerd Suter's thesis.

Q. So the question is have you ever done a growth-curve analysis of the replication of the 586 in those enumerated cell lines?

A. We haven't, but we refer to prior publications that reference that strain, yes.

Q. And so in telling the Patent and Trademark Office that 580 corresponds to 587 and 575 with respect to replication, you were not basing that upon any tests that you yourself had done.

A. No, because, as I said, it's not in the public domain and we have no access to it.

Q. Let's move on the petition to make special. I'm going to bounce around just a little bit here and try not to get everybody lost. But let's talk just briefly about mice. I understand we have two mice witnesses coming up, and we'll save the real mice fun for them.

But let me direct your attention to RX-46C.

MR. COSTON: What volume is this, Mr. Saad?

MR. SAAD: This is in Volume 3 of 5.

BY MR. COSTON:

Q. Volume 3 of 5 of the Respondent's exhibits. Can you identify RX-46C, which appears to be an email from you dated January 24, 2003, to Christine

EXHIBIT J

UNITED STATES
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Pharmaceutical Compositions Based	)	
Thereon	)	
	)	

CLOSED SESSION

Pages: 1 through 202 (with excerpts)

Place: Washington, D.C.

Date: May 8, 2006

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BEFORE THE

UNITED STATES INTERNATIONAL TRADE COMMISSION

In the Matter of:	) Investigation No.
Certain Modified Vaccinia Ankara	) 337-TA-550
("MVA") Viruses and Vaccines and	)
Pharmaceutical Compositions Based	)
Thereon	)
	)

Hearing Room A

United States

International Trade Commission

500 E Street, Southwest

Washington, D.C.

Monday, May 8, 2006

9:00 a.m.

VOLUME 1

BEFORE: THE HONORABLE ROBERT L. BARTON, JR.

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A. Yes.

MR. COSTON: Your Honor, I'm about to move to another subject matter, and my voice is running dry. Would this be an appropriate time for a break?

JUDGE BARTON: Certainly. We'll take a break until a quarter to 3:00.

(Recess taken.)

JUDGE BARTON: Back on the record.

BY MR. COSTON:

Q. Mr. Wulff, I'm going to go to another topic now, and that's the topic of F6. Please turn to Volume 1, Exhibit 99C. Did there come a time when Bavarian Nordic and GSF had a dispute as to whether GSF was entitled to any patent royalties on MVA products?

A. Yes.

Q. And please tell the Court the -- describe the nature of the dispute.

A. It was several years after the original collaboration ended, and the dispute came forward in an information update meeting I had with the CEO of the GSF, where he raised a number of issues where he believed that GSF was also entitled to royalty. And it related both to recombinant product for breast cancer, and it also concerned our MVA and smallpox

vaccine.

Q. How, if at all, did you resolve the dispute with GSF?

A. I think, as I recall, discussions went on for nearly a year, if I'm correct. And I think that finally GSF late got convinced that MVA-BN was something which was generated at Bavarian Nordic and not even the virus of Gerd Suter, the MVA F6 580 had anything to do with the GSF but was something which was something that was developed by Professor Anton Mayr at the veterinary university when Gerd was a student, as I explained earlier, a training exercise to clone a virus out of Anton Mayr's 572.

Q. In the negotiations or discussions with GSF, was one of the arguments that you and BN advanced that F6 was prior art and that GSF had no right to claim any rights in F6?

A. I think there was some confusion both for myself and others whether you could say that F6 was a prior existing virus because it had been named in publications or whether it in fact was a prior-art virus in technical terms or patent terms. And I think that what we figured out is that F6 did not leave GSF, as I thought it did, and became generally available.

Q. Part of your argument to GSF was that F6 was